

HOUSE BILL 555

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E2

2003 Regular Session
3lr0875
CF 3lr0874

By: **Delegate Marriott (By Request - Baltimore City Administration)**

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Baltimore City - Front-End Work Release Program**

3 FOR the purpose of requiring the Commissioner of Pretrial Detention and Services of
4 Baltimore City to establish and administer a certain front-end work release
5 program for certain eligible participants; requiring the Commissioner to direct
6 resources to establish a certain number of beds for the program; requiring the
7 Commissioner to establish certain eligibility criteria for participation in the
8 program; requiring the Commissioner to establish a certain front-end work
9 release plan for each participant in the program; authorizing the Commissioner
10 to authorize certain individuals to participate in the program; authorizing a
11 court to authorize certain individuals to participate in the program; authorizing
12 the Commissioner to recommend suspension or removal of certain participants
13 from the program under certain circumstances; requiring the Commissioner to
14 collect earnings from certain participants; authorizing the Commissioner to
15 make certain payments and reimbursements out of earnings from certain
16 participants; clarifying that certain participants in the program are not agents
17 of Baltimore City or other certain entities; authorizing the Commissioner to
18 charge participants certain fees under certain circumstances; and generally
19 relating to correctional services in Baltimore City and establishment of a
20 front-end work release program.

21 BY repealing and reenacting, with amendments,
22 Article - Correctional Services
23 Section 11-704
24 Annotated Code of Maryland
25 (1999 Volume and 2002 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Correctional Services**

2 11-704.

3 (a) In this section, "Commissioner" means the Commissioner of Pretrial
4 Detention and Services.

5 (b) This section applies only in Baltimore City.

6 (c) (1) The Commissioner may allow an inmate of the Baltimore City
7 Detention Center to participate in one of the activities specified in paragraph (2) of
8 this subsection during the period of custody if the participation:9 (i) is approved by the judge ordering confinement or, if that judge
10 is unable to act, by another judge of the committing court; and

11 (ii) is in accordance with available programs.

12 (2) Subject to paragraph (1) of this subsection, an inmate may:

13 (i) continue regular employment;

14 (ii) obtain new employment;

15 (iii) participate in a training, rehabilitation, or other special
16 program; or

17 (iv) attend an educational institution.

18 (3) (i) An inmate who is authorized to participate in a program under
19 this subsection shall be held in custody between program hours or periods.20 (ii) The Commissioner or Commissioner's designee may allow an
21 inmate who is authorized to participate in a program under this subsection to be held
22 in custody through home detention by the use of electronic monitoring devices.23 (iii) Subject to the availability of funds, the Commissioner may
24 contract for halfway houses or other suitable housing facilities or electronic
25 monitoring devices for inmates authorized to participate in a program under this
26 subsection.27 (D) (1) THE COMMISSIONER SHALL ESTABLISH AND ADMINISTER A
28 FRONT-END WORK RELEASE PROGRAM FOR ELIGIBLE PARTICIPANTS AT THE
29 BEGINNING OF AN ELIGIBLE PARTICIPANT'S COMMITMENT TO THE CUSTODY OF THE
30 BALTIMORE CITY DETENTION CENTER.

31 (2) THE COMMISSIONER SHALL:

32 (I) DIRECT SUFFICIENT RESOURCES TO ESTABLISH 35 FRONT-END
33 WORK RELEASE BEDS IN A FACILITY THAT IS CURRENTLY BEING USED FOR OTHER
34 TYPES OF WORK RELEASE PROGRAMS;

1 (II) ESTABLISH ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE
2 FRONT-END WORK RELEASE PROGRAM; AND

3 (III) ESTABLISH FOR EACH PARTICIPANT, A WORK RELEASE PLAN
4 THAT INCLUDES THE TERMS AND CONDITIONS OF THE WORK RELEASE AND
5 EMPLOYMENT.

6 (E) (1) PARTICIPATION IN THE FRONT-END WORK RELEASE PROGRAM IS A
7 PRIVILEGE AUTHORIZED BY THE COURT.

8 (2) THIS SECTION DOES NOT CREATE A RIGHT TO PARTICIPATE IN THE
9 FRONT-END WORK RELEASE PROGRAM OR TO REMAIN IN THE PROGRAM AFTER THE
10 PARTICIPANT HAS BEEN SUSPENDED OR REMOVED FROM THE PROGRAM.

11 (F) THE COURT MAY AUTHORIZE AN INDIVIDUAL TO PARTICIPATE IN THE
12 FRONT-END WORK RELEASE PROGRAM IF THEY MEET ELIGIBILITY REQUIREMENTS
13 AND THERE IS AVAILABLE SPACE. THIS DETERMINATION SHOULD BE MADE:

14 (1) WHEN THE COURT IMPOSES A SENTENCE;

15 (2) WHEN THE COURT COMMITS AN INDIVIDUAL TO THE CUSTODY OF A
16 BALTIMORE CITY DETENTION CENTER; OR

17 (3) AT ANY TIME DURING THE INDIVIDUAL'S CONFINEMENT.

18 (G) (1) THE COMMISSIONER MAY RECOMMEND SUSPENSION OR REMOVAL
19 OF A PARTICIPANT FROM THE FRONT-END WORK RELEASE PROGRAM:

20 (I) AT ANY TIME WITH PRIOR APPROVAL FROM THE COURT; OR

21 (II) FOR ANY PUBLIC SAFETY REASON WITHOUT PRIOR APPROVAL
22 FROM THE COURT IF THE COMMISSIONER NOTIFIES THE COURT WITHIN 15 DAYS OF
23 THE SUSPENSION OR REMOVAL OF THE PARTICIPANT FROM THE FRONT-END WORK
24 RELEASE PROGRAM.

25 (2) THE COMMISSIONER SHALL NOTIFY THE COURT WITHIN 15 DAYS
26 AFTER THE COMMISSIONER SUSPENDS OR REMOVES A PARTICIPANT FROM THE
27 FRONT-END WORK RELEASE PROGRAM.

28 (H) (1) THE COMMISSIONER SHALL COLLECT EACH PARTICIPANT'S TOTAL
29 EARNINGS FROM THE FRONT-END WORK RELEASE PROGRAM, LESS PAYROLL
30 DEDUCTIONS.

31 (2) FROM THE PARTICIPANT'S EARNINGS, THE COMMISSIONER:

32 (I) MAY PAY THE REASONABLE COST TO THE BALTIMORE CITY
33 DETENTION CENTER OF PROVIDING FOOD, LODGING, AND CLOTHING FOR THE
34 PARTICIPANT;

35 (II) MAY MAKE COURT-ORDERED PAYMENTS FOR DEPENDENTS;

1 (III) MAY PAY COURT-ORDERED COSTS, FINES, AND RESTITUTION;

2 (IV) IF ORDERED BY THE COURT, MAY REIMBURSE THE STATE FOR
3 THE COURT-APPOINTED COUNSEL; AND

4 (V) IF ORDERED BY THE COURT, MAY REIMBURSE THE STATE FOR
5 THE SERVICES OF THE PUBLIC DEFENDER.

6 (3) ANY BALANCE THAT REMAINS AFTER PAYMENTS ARE MADE UNDER
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH:

8 (I) SHALL BE CREDITED TO AN ACCOUNT HELD BY THE
9 COMMISSIONER FOR THE PARTICIPANT; AND

10 (II) IF THE COMMISSIONER APPROVES, SHALL BE DISPOSED OF AS
11 REQUESTED BY THE PARTICIPANT.

12 (4) ANY BALANCE REMAINING IN THE PARTICIPANT'S ACCOUNT WHEN
13 THE PARTICIPANT IS RELEASED FROM THE BALTIMORE CITY DETENTION CENTER
14 SHALL BE PAID TO THE PARTICIPANT.

15 (I) A PARTICIPANT EMPLOYED IN THE COMMUNITY UNDER THIS SECTION IS
16 NOT AN AGENT OR EMPLOYEE OF BALTIMORE CITY, THE COMMISSIONER, ANY
17 JUDICIAL OFFICER, OR ANY OTHER PUBLIC OFFICER OF BALTIMORE CITY OR THE
18 STATE.

19 (J) THE COMMISSIONER MAY CHARGE A PARTICIPANT A REASONABLE FEE IN
20 AN AMOUNT NOT TO EXCEED THE ACTUAL COSTS INCURRED BY THE BALTIMORE
21 CITY DETENTION CENTER FOR FOOD, TRAVEL, AND OTHER EXPENSES RELATED TO
22 THE PARTICIPANT'S PARTICIPATION IN THE WORK RELEASE PROGRAM.

23 [(d)] (K) (1) [An] EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS
24 SECTION, AN inmate who is employed under a work release program shall surrender
25 to the Commissioner or Commissioner's designee the total earnings of the inmate
26 under the program, less payroll deductions required by law.

27 (2) From the net earnings of the inmate, the Commissioner or
28 Commissioner's designee shall deduct in the following order of priority:

29 (i) an amount not to exceed one-third of the inmate's net earnings
30 for the cost to the State of providing food, lodging, electronic monitoring devices, and
31 clothing for the inmate;

32 (ii) the actual and necessary food, travel, and other expenses of the
33 inmate when released from actual custody under the program;

34 (iii) the amount, if any, that the inmate is legally obligated to pay for
35 the support of a dependent by court order directed to the Commissioner; and

36 (iv) the amount for court-ordered payments for restitution.

1 (3) The Commissioner or Commissioner's designee shall pay any amount
2 deducted as required by paragraph (2)(iii) of this subsection as the court order directs.

3 (4) The Commissioner or Commissioner's designee shall:

4 (i) credit to the inmate's account any remaining balance; and

5 (ii) pay the balance in the inmate's account to the inmate on
6 release.

7 (5) If any part of the inmate's final earnings under a work release
8 program are required to satisfy the deductions specified in paragraph (2) of this
9 subsection, the balance of the final earnings shall be forwarded to the inmate within
10 15 days after the date of release from the Baltimore City Detention Center.

11 [(e)] (L) (1) A court may require an individual who is convicted of a crime to
12 satisfy a fine or court costs by participating in a work program established under the
13 jurisdiction of the Division of Parole and Probation in Baltimore City.

14 (2) An individual who participates in the work program shall receive a
15 credit of at least the federal minimum wage per hour toward the fine or court costs.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2003.